

INDIVIDUALS / E-MAIL COMMENTS, DRAFT FOR REVIEW, 11/08 - 1/18/09

From: "Steve Anderson"
Subject: QBS Study - Review Draft
Date: Sun, 11 Jan 2009 12:48:48 -0800

Attached for your review is the final draft of the QBS study undertaken by the University of Colorado/Georgia Tech research team at ACEC's and APWA's request over the past year and a half. As you can see, as underscored in the Executive Summary, pp. 2-3, this quantitative study verifies many of our long-held beliefs concerning the merits of QBS. It should be a useful addition to our library of resources on the subject. If you have any comments that you think would be useful to the research team as they finalize this material for publication, your input will be greatly appreciated.

(NOTE: ATTACHMENT ON GUIDELINES PASSWORD PROTECTED FTP SITE; AVAILABLE ON REQUEST)

Subject: RE: ASPRS Procurement Guidelines for your review/comments
Date: Wed, 31 Dec 2008 09:57:56 -0800
From: "COREY Kurt A"
Subject: ASPRS Procurement Guidelines for your review/comments

Doug---My apologies for not responding earlier but I very much appreciate the opportunity to review this. In all, I think the guidelines do an excellent job of stating and making the case for QBS in the procurement of these services. I honestly can't suggest any meaningful edits and commend the efforts of those who have worked on the document.

I did notice on page 4 the reference to AGC as an agency with a formal endorsement of QBS. It would be good to verify this as AGC has been a pretty staunch supporter of the competitive bidding process for most work. They may have adopted a position statement specifically geared toward professional services procurement but I'm just not aware of it. Also, you might include ACEC (American Council of Engineering Companies) on this same list as an agency that has clearly endorsed QBS - their efforts have been absolutely instrumental in advancing the QBS public informational effort.

Finally, just fyi, APWA has published a document, "APWA Red Book on Qualifications-Based Selection", that is a good reference on the topic and could be included as a reference for anyone desiring additional information.

Thanks again, Doug, for the opportunity to review and comment. I wish you the best with this effort and look forward to seeing you in the new year. Best regards---

Kurt Corey, P.E.
Director of Public Works
City of Eugene

Subject: Comments on Guidelines for Procurement of Professional Aerial Imagery, Photogrammetry, etc. ...

Date: Thu, 15 Jan 2009 17:38:13 -0500

From: "Widner, Dan"

Thank you for providing your very thorough and detailed information to support and advocate for the use of Qualifications Based Selection and the procurement of aerial imagery, photogrammetry, etc. Much of what is written makes a lot of sense. I would like to share with you our recent experience in selecting a vendor for Virginia's third statewide flyover since 2002. Our experience may not apply everywhere, but real world experience in procuring these types of services needs to be considered if these guidelines are going to be more than an academic exercise. The fatal flaw in the current QBS process is the lack of competition based upon price. You do address it slightly in the "alternative procurement method", item number 4 of the Executive Summary.

Virginia assembled a team of experienced geospatial and photogrammetric professionals to review and rank proposals based upon the project requirements, without looking at cost/pricing. An extensive and exhaustive process that included follow up interviews and questions was undertaken to rank proposals based upon their qualifications and how they met the requirements of the project. The scope of work was pre-defined. Being the third time we had done this, we knew what we needed and wanted - no need to negotiate a scope of work after selecting a qualified vendor as is recommended in this proposal. Virginia has consistently utilized the same technical specifications for each statewide flyover.

After the technical rankings and review of each vendors qualifications and ability to meet the project requirements, we took to negotiations the qualified and top ranked vendors - pricing had not been opened or seen. We ended up with four vendors being closely ranked and we could have worked with any of them. Then the real and amazing moment occurred - we opened pricing. Competition is quite an incentive and it ended up differentiating tremendously the qualified vendors (again, no unqualified vendors were considered). We are talking millions of dollars that were potentially saved for the taxpayers and citizens of the Commonwealth. Had we followed the pure QBS approach, these savings would have been more difficult to achieve.=20

Our procurement contained three successful components - a detailed analysis of the vendor qualifications and their proposals, a detailed analysis of the ability of the proposals to meet the requirements of the project, and finally the inclusion of market based competition after all due diligence had been performed. Particularly in these uncertain economic times, fair competition amongst qualified vendors will save money for the taxpayers who typically fund these procurements.

Respectfully,

Dan Widner

Coordinator, Virginia Geographic Information Network

Virginia Information Technologies Agency

Subject: Draft Comments

Date: Tue, 16 Dec 2008 13:15:19 -0800

From: "Pat McGarrity"

I have reviewed the Guidelines for Procurement of Professional Aerial Imagery, Photogrammetry, Lidar and Related Remote Sensor-based Geospatial Mapping Services draft document and have the following comment:

Although we all promote Qualification Based Selection for professional services, a gaping hole is left unaddressed. Many mapping firms are out sourcing photogrammetric compilation and data processing to foreign firms in India, China, Mexico, etc. These firms drastically under cut the price of firms who employ locally. I have seen numerous instance where the most qualified firm was not selected because the competition has priced the project below the market norm using foreign sub-contractors. Most of these projects are publicly funded. Some jurisdictions prohibit outsourcing on public projects, however the policy application is not consistent within a single jurisdiction or agency. It is totally inappropriate for tax payer funds to go to foreign workers, especially in the current economic climate. Another glaring issue is professional oversight by licensed and/or certified professionals. In my home state, Arizona, all aerial mapping for A/E projects is defined as "surveying" by State statutes and must be in the "responsible charge" of a Registered Land Surveyor. How can the out sourced work qualify under this scenario? I personally would not consider putting my professional license at risk by stamping a map from these sources, regardless the amount of quality control. Sadly, the various agencies who contract this work are not aware of the mapping firms intent to out source their mapping project. This is highly unethical and needs to be stopped. I would like to see a requirement where the proposing firm openly states how and where any sub-contracted work is being done in its Statement of Qualifications. A statement like "in the interest of fair and open competition proposals shall reveal the intent to use offshore production facilities and state in particular which services will be out sourced, list the subcontracting companies by name and location, and include their qualifications to the same level of detail that is required of any other subcontractor".

Thank you for this opportunity to comment on the proposed guidelines.

Respectfully,

Patrick McGarrity CP, LSIT
PSOMAS | Balancing the Natural and Built Environment
Land Survey and Mapping
Survey Co-Manager

From: "Steve Anderson"

Subject: Guidelines for Procurement of Professional Aerial Imagery.....

Date: Mon, 12 Jan 2009 12:02:52 -0800

Doug,

A couple of the Committee members and I looked the Document over during the Conference. I am sorry I did not get back to you earlier on this.

Their only comments were that all of the arguments made in the Document were very good, but that it was so detailed, and so long, that it would not be read by many people. They thought in particular that a three paragraph "lead in" to a full two page "Executive Summary" both were too much verbage.

Steve Anderson

Subject: feedback on guidelines

Date: Tue, 18 Nov 2008 11:13:01 -0800

From: "Dudas, Joel"

Sirs and/or Madams -

This morning I received a copy of the proposed guidelines for imagery/geospatial data procurement. I'd like to comment.

Just as background, I work for the State of CA Dept of Water Resources in the Delta Levees Program, in an engineering and GIS management capacity. I have a variety of experience pertaining to flood control engineering, geophysical research, habitat mitigation, flood emergency, and geospatial data contracts. I managed the Sacramento-San Joaquin Delta LIDAR acquisition of a million+ acres recently, including development and administration of the contract and deliverables review. I've worked here for 8 years. So I'm not expert, but for what it is worth, here's my two cents.

Philosophically, I think QBS is a well-meaning but mistaken framework. Relying on "independent judgement and independent oversight by the contractor are critical to the success of the project" is fundamentally flawed when the industry players themselves dispute how the terms and concepts in the industry language are to be interpreted, particularly as is the case now in LIDAR. Where so many of the quality/process aspects are poorly or not *really* in effect standardized, relying on a contractor to police itself is a recipe for uneven bidding and uneven performance, in ways (and this is critical) that the client itself may not initially grasp (i.e. when awarding bids and developing final contracts). Unless and until LIDAR gets tightened up a lot more on what constitutes standard practices, relying on the contractor to give you a disinterested view of their interpretation of language seems dicey.

I disagree with the finding that when price is viewed concurrently that it automatically leads to firms responding with lower prices and quality. Some will, some will not. It should be incumbent upon the client to dissect the proposal to understand the price structure accordingly. That is precisely what we did in the Delta project (the second go-round at least), where we did not go with the lowest bidder. We saw the firms respond with a variety of costs and likely quality assurances. Evaluating price concurrently neither forced them all to go cheap, nor did it force us to choose the cheapest.

I think a much better approach than solely relying on qualifications is to utilize independent QA/QC. This is a sorely lacking aspect of these guidelines, in my opinion. If nothing else (i.e., leave QBS as it is), I'd think the guidelines would benefit by encouraging independent quality verification.

I realize my view is fundamentally at odds with the Brooks Act. I think the notion that hoping what appear to be best qualifications leading to the best result in the end is well-meaning but whimsical and often will be costly. On balance, by relying on QBS ONLY (to the exclusion of any cost whatsoever), it opens up potential pricing abuse, cost-overruns, and slows down the competitive whittling that is necessary for the LIDAR industry (which almost everyone agrees simply has too many firms given the size of the market). I'm not suggesting that having guidelines is bad...indeed, it could be quite beneficial. However, the guidelines should be oriented toward providing clarity in what is needed in both contract Scope of Works and in what items need further revision and standards development, rather than in issuing mandated selection criteria that completely exclude cost. Again, I'm not saying that low bidders should automatically win. By no means should they. However, to go to the other extreme - as does the Brooks Act - seems equally foolish.

Also, I recognize a danger that I suspect ASPRS is precisely worried about, namely a systematic driving down of quality in interests of cost, and particularly that it may harm the dysfunctionally oversized (in terms of number of firms) yet adolescent LIDAR industry. Indeed, the long-term solution to ASPRS potential concern about overall industry health may result in short-term pain for some of it's members, but that's a process that must someday be taken. I get it that the industry is somewhat vulnerable as a whole (and that standards and product quality could be threatened by an unevenly-informed market client base), but the answer to that isn't to exclude price and effectively subsidize the industry at taxpayer expense. The answer is to reduce the overcapacity. Clients should neither choose base solely on price nor on perceived quality (i.e. QBS), but on both. Artificially subsidizing the industry, as the Brooks Act in effect results in, will delay these natural and (in the long run) healthy processes.

Regards,
Joel S. Dudas
Senior Engineer, Water Resources
Delta-Suisun Marsh Office, Division of Flood Management
California Department of Water Resources

From: "J. Allison Butler"

Subject: Comments on draft Imagery Procurement Guidelines

Date: : Saturday, October 25, 2008 10:41 AM

Doug,

Thanks for leading the effort to pull this document together. It has inspired my own thinking on the subject and, I am sure, will motivate considerable discussion within the GIS community. What I offer are personal comments on the general thrust of the document:

1. At a time when there are many new entrants in the imagery field, in part due to the rapid evolution of technology, QBS appears to restrict the entry of new providers. All QBS procurements emphasize past experience of the firm and its lead staff; however, both are lacking with emerging technologies. New firms have a limited track record to describe in a statement of qualifications. That may indeed be a desired outcome motivating the QBS process, as is the desire to eliminate price competition so as to keep imagery provided by local and regional firms out of the commodities end of the market. Both are fine motives for a business enterprise, but I can't help thinking that having the industry draft its own procurement guidelines presents a bit of a conflict of interest when presented in the context of a professional association that includes both providers and users of imagery products and services.

2. The QBS process may identify the best qualified firm from an ultimate technical perspective, but what you are comparing through QBS is the potential to deliver a satisfactory product, not the actual product quality itself. And you certainly are limited in terms of being able to decide among the offerings on a "bang for the buck" basis. The ultimate product may not be required. Firm A may offer the ultimate product, but Firm B may be better with regard to the level of product the consumer can actually afford. I would really like to see you say something about having the consumer specify the range of applications for the imagery being procured, and then to show how the vendors could respond to the functional requirements with a variety of offerings at some kind of relative price point. Public firms in particular are trying to acquire an acceptable product, not the best product possible. Thus, without giving some indication as to, at least, relative price and the firm's capability to deliver that specific product, QBS is a hit and miss affair with regards to actually identifying the best qualified firm for the product that is eventually delivered.

3. The argument appears to be made that a low-bid procurement process motivates imagery service providers to cut corners and deliver an "unsuitable" product in order to meet the imposed price point. What you may appear to really be admitting is that imagery service providers will act in an unethical manner when faced with price competition, a view reinforced by your statement that QBS is the way to go when ethical behavior by the provider is required. That expectation doesn't say much regarding your confidence that fellow photogrammetrists will behave ethically at all times.

In a price competition, ethical firms should be able to provide the same product and service at the same price they would have offered through the QBS process. If that were not true, then you are admitting that QBS will inflate prices and supply products and services that go beyond what is required. The current draft makes "meet minimum requirements" look like a bad thing, when it is actually what public agencies are supposed to be acquiring. I also don't understand how price competition is in conflict with the use of the "most cost-effective overall approach." Would that not be exactly how a firm provides a product at a low price?

4. All the foregoing notwithstanding, the fact is that most QBS procurements do eventually get down to price. This is why procurement guides published by such user-oriented organizations as URISA-The Association for Geospatial Professionals show the explicit consideration of price as a minor element of spatial data and services procurements. It is much better to have the issue out in the open than conducted on the sly behind closed doors, especially when the process pits the top ranked firms against each other in a limited low-bid competition. A technical-plus-price procurement allows all parties to know what they are getting up front, without turning it into a low-bid procurement.

5. I would delete the text regarding the NCEES model law and rules, which addresses the practice of surveying, not photogrammetry, and is only a suggested model for the states to follow. Its presentation in the guidelines may confuse the user into believing that the model law and rules are a guide for what their state requires, which is true, perhaps, only for Oregon. Including this text offers no real value to the reader and can only act to alienate the GIS community to which the "Guidelines" document is directed, as they are the people who procure imagery products and services. It also suggests that ASPRS supports the licensure of photogrammetry, and I don't know that such a decision has been made.

Thank you for developing this document and for soliciting comments. I hope these brief notes can be of use to you in crafting the final version. Thanks also for the tolerant online conversation that helped me form these comments.

Al

J. Allison Butler, GISP, AICP
Certified Mapping Scientist - GIS/LIS
MilePost Zero

(NOTE: ATTACHED URISA DOCUMENTS ARE POSTED ON PASSWORD PROTECTED GUIDELINES FTP SITE AND ARE AVAILABLE ON REQUEST)

Verbal and other Feedback from Spring Conference (Portland, May '08)

Mark Brennan (hard copy mark-up)

Executive Summary should be 1 page

Full document should be 3-4 pages and focus only on the procurement process itself, to include a sample QBS process.

Note: Mark's suggested sample QBS process was a "separate sealed envelope" process that used qualifications only to select the top 3 firms and then reviewed costs proposals from the short list.

George Lee's notes from sessions:

Doug: My notes were not very good and my memory is not any better but I hope these notes will help remind us of what was said at the sessions:

Panel Session:

1. How can new companies compete in the QBS approach to contracting?
2. Comment was made not to use the term "never."
3. It may be useful to provide examples of QBS contracts.
4. How does new technology get introduced in a QBS contract that is multi-year contract?
5. An example was brought up about a construction company who was already the prime contractor and were asking for bids from companies for professional services.
6. Who regulates the profession? Particularly, when there has been so much automation. There is a sense of "protectionism."
7. What is the implementation plan for these Guidelines?
8. Why were other organizations such as Urisa not on the committee drafting the Guidelines?
9. There was a discussion on the proposal for a national license for professional photogrammetric services. (Jim Plasker described why this would be difficult thing to achieve.)
10. How does the Guidelines apply to subcontractor that are not QBS firms?
11. Is past performance a factor in the evaluation process?
12. How does the Guidelines apply to research grants?
13. There was a discussion on open competition from both the government and new player perspectives.

Hot Topics Session:

(I did not record discussions during the Hot Topics Session but this is what I recall.)

14. One particular participant pointed out the problems for a smaller, new company to compete under a QBS process. He described his strategy and experience in getting into the door and that was a low-bid process.
15. There was a discussion of a need to have training/workshop for new companies on the QBS-selection process and how to prepare responses for a QBS-type RFPs.
16. There was a comment from someone from academia who stated that the use of cheap graduate students for some tasks in a research project was common in research. However, he also stated they contracted for the necessary professionals for a project that required lidar data.

Sidebar conversations:

16. There were comments from others that they did not want this effort to appear as a one-sided MAPPS position.
17. There were folks who do not support the total QBS position but were not vocal about their feelings. (I suggested that need to respond to the request for comments.)

E-MAIL COMMENTS FROM 4/21/08 - 7/31/08

Subject: Guidelines for Procurement of Professional Aerial Imagery,
Photogrammetry, LiDAR
From: John Ray
Date: Mon, 12 May 2008 12:33:18 -0400

Mr. Smith,

I find the subject document disappointing.

John A. Ray
Chair
Transportation Surveys Subcommittee

Subject: Procurement Guidelines
Date: Fri, 6 Jun 2008 10:26:24 -0500
From: "Northcutt, Patricia"

Doug,

Overall, I think the document is excellent. I am concerned about the reference to Remote Sensing in several parts of the Guideline draft. This guideline is clearly indicated for Photogrammetric services. In the examples matrix, satellite data is not included.

I think it would clear up a lot of confusion to remove all references to Remote Sensing. There is a one-line description of RS and while it is the purest definition of RS, it isn't complete. The description for Photogrammetry was of course more in-depth. I don't think that RS plays a part in this document.

To my mind, it is dangerous to allow NCEES to associate Remote Sensing as a Photogrammetry tool.

I'd be interested in both yours and Dan's opinion.

Regards,
Pat

Subject: Re: ASPRS Action: Ideas for SME database
From: Lawrence R Handley
Date: Wed, 14 May 2008 11:44:30 -0500

Doug--wanted to remind you about our discussion about research activities within the scope of the document. As you had suggested maybe listed as an exclusion, but you would also need a definition of what would be considered "research." I am headed out of town and wanted to send you a note before I left.--Larry

Larry Handley
USGS/NWRC

Subject: RE: ASPRS GISD Call for Review - Procurement Guidelines - due 6 Jun 2008!

Date: Fri, 6 Jun 2008 13:13:56 -0600

From: "Barbara Morey"

Hi Doug,

I found the draft to be comprehensive and well suited to describing these guidelines. I don't have any edits or comments.

Regards

Barb

Barbara Morey, CP

ESRI

Account Manager Intelligence Programs

COMMENTS PRIOR TO 4/21/08

Subject: Guidelines for Procurement of Professional Geospatial Mapping Services

Date: Fri, 18 Apr 2008 08:47:07 -0400

From: "Mickler, Robert A "

Sir:

I certainly hope that ASPRS will come out firmly and loudly to argue that GIS and Remote Sensing professionals do not need to be burdened by licensed surveyor requirements. Let's make a clear distinction between engineering services that require a surveyor and all other natural resource services provided by GIS and remote sensing professionals. Let's see some action by ASPRS, please.

Robert A. Mickler
Program Manager
Alion Science and Technology

From: "Scott K. Dodson, CP"

Subject: Guidelines for Procurement of Professional Geospatial Mapping Services - Feedback

Date: Thu, 17 Apr 2008 11:11:22 -0500

Doug,

Thanks for your work in helping put this draft together. I think it spells out why mapping services are a professional service, and clarifies how these services are supposed to be contracted for, and the supporting laws behind it.

I will try and attend the roundtable discussion to lend my support for this draft.

Regards,

Recon Mapping, LLC
Scott K. Dodson, CP
President

Date: Thu, 17 Apr 2008 08:44:32 -0600

From: "Curtis Clabaugh"

Subject: Guidelines for Procurement of Professional Geospatial Mapping

I was trying to find the group that was responsible for this document on the ASPRS web site, is this possible? My hope in finding that group was to also view the membership of that group. Is that also available?

Curtis Clabaugh, P.E.
State Photogrammetry and Surveys Engineer
Wyoming Department of Transportation

From: "Larry Lund"

Subject: Re: Guidelines for Procurement of Professional Geospatial Mapping Services

Date: Thu, 17 Apr 2008 09:57:50 -0500

This is a multi-part message in MIME format.

Mr. Smith,

As per the request for comments below, I would like to remind the Guidelines drafting committee that the word "data," a plural Latin noun transliterated into English, cannot be properly used with singular nouns and verbs (e.g. "If cost data is to be required...") when referring to the phenomena being described (i.e. when using the word "data" extra-referentially). One can only use the word "data" with singular nouns and verbs when referring to the word itself (i.e. self-referentially; e.g. "The word data is a plural noun."). To correctly use the word "data" in an extra-referential context (which is how it is almost always used), the associated nouns, pronouns and verbs must be conjugated into the plural to agree grammatically with the plurality of the word "data" (e.g. "If the cost data are to be required...", and "... the provider owns the data and they are offered under license...")

Creating documents such as these Guidelines for distribution amongst geospatial professionals in the user community, many of whom are (or were) required to properly understand and conjugate the word "data" in a variety of academic and professional papers, should reflect the same understanding of the word's correct grammatical use as those who will be reading it will have.

Thank you the opporutunity to suggest the above. I look forward to the final Guidelines document. I think it is a good one.

Sincerely,

Larry Lund - MS, CP